

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 17663 Permit 11278 License 7581

**ORDER APPROVING CHANGES IN PLACE OF USE, CORRECTION OF PURPOSE  
OF USE, ADDING AN ENDANGERED SPECIES TERM, AND AMENDING THE  
LICENSE**

**WHEREAS:**

1. License 7581 was issued to Martin Witt on March 9, 1966 and subsequently assigned to Witt Home Ranch on December 5, 1968.
2. A petition to change Place of Use has been filed with the State Water Resources Control Board (SWRCB) on June 3, 1997 and the SWRCB has determined that good cause for such change has been shown.
3. Witt Home Ranch entered into a formal agreement on June 10, 1997 with William J. McDowell and Carol J. McDowell for conditional use of water authorized under the license.
4. The SWRCB has determined that the petition for changes does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Under Section 798 of the California Code of Regulations, a correction is permissible to a permit and/or license for the addition of incidental recreation and wildlife enhancement as a use at a reservoir when omissions are discovered.
6. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Purpose of use is as follows:  
  
Irrigation, stockwatering, recreation, and wildlife enhancement
2. A description of the land or place where water is put to beneficial use is as follows:  
  
Stockwatering, recreation, and wildlife enhancement within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  and NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 15, T5N, R8W, MDB&M, and within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 16, T5N, R8W, MDB&M, and irrigation of:  
  
2 acres within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 15, T5N, R8W, MDB&M  
30 acres within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 15, T5N, R8W, MDB&M  
16 acres within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 15, T5N, R8W, MDB&M  
33 acres within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 15, T5N, R8W, MDB&M  
13 acres within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 22, T5N, R8W, MDB&M  
38 acres within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 22, T5N, R8W, MDB&M

9 acres within the SW¼ of NW¼ of projected Section 22, T5N, R8W, MDB&M  
18 acres within the SE¼ of NW¼ of projected Section 22, T5N, R8W, MDB&M  
34 acres within the NW¼ of NE¼ of projected Section 22, T5N, R8W, MDB&M  
38 acres within the NE¼ of NE¼ of projected Section 22, T5N, R8W, MDB&M  
29 acres within the SW¼ of NE¼ of projected Section 22, T5N, R8W, MDB&M  
36 acres within the SE¼ of NE¼ of projected Section 22, T5N, R8W, MDB&M  
1 acre within the NW¼ of SE¼ of projected Section 22, T5N, R8W, MDB&M  
3 acres within the NE¼ of SE¼ of projected Section 22, T5N, R8W, MDB&M

Total = 300 acres

3. Unless the Witt Home Ranch-McDowell agreement is renewed and a copy of the new agreement is provided to the SWRCB on or before the December 31, 2002, the description of the land or place where irrigation water is put to beneficial use will revert to the following:

25 acres within the NE¼ of SE¼ of projected Section 16, T5N, R8W, MDB&M  
25 acres within the NW¼ of SW¼ of projected Section 15, T5N, R8W, MDB&M

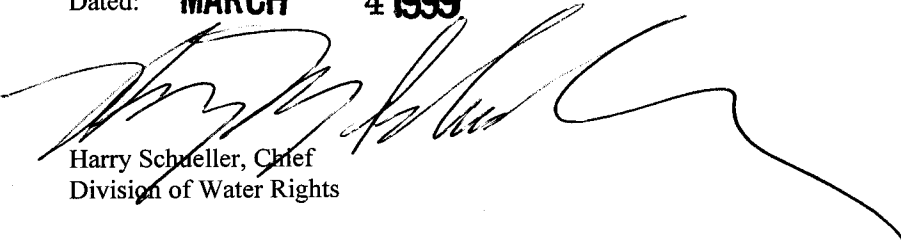
Total = 50 acres

4. Addition of an endangered species condition:

This license does not authorize any act which results in the taking of a threaten or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "taking" will result from any act authorized under this water right, the licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license. (0000014)

Dated:

**MARCH 4 1999**

  
Harry Schueller, Chief  
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 17663

PERMIT 11278

LICENSE 7581

THIS IS TO CERTIFY, That

Martin Witt  
5730 Bodega Avenue  
Petaluma, California

Notice of Change (Over)

has made proof as of May 4, 1965,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
an unnamed stream in Sonoma County

tributary to Stemple Creek thence Estero de San Antonio

for the purpose of irrigation and stockwatering uses  
under Permit 11278 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from June 18, 1957,  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed seventy-six (76) acre-feet  
per annum to be collected from about November 1 of each year to about April 30 of  
the succeeding year, as follows:

- (1) 45 acre-feet per annum (Martin's Pond)
- (2) 31 acre-feet per annum (Lillian's Pond)

The maximum withdrawal in any one year has been 71 acre-feet of which 26 acre-feet  
has been withdrawn from Lillian's Pond.

The points of diversion of such water are located:

- (1) North eight hundred (800) feet and east six hundred (600) feet from SW corner  
of projected Section 15, T5N, R8W, MDB&M, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said  
Section 15.
- (2) North one thousand two hundred (1200) feet and west eight hundred (800) feet  
from SW corner of projected Section 15, T5N, R8W, MDB&M, being within SE $\frac{1}{4}$  of  
SE $\frac{1}{4}$  of projected Section 16, T5N, R8W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

Stockwatering within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  and NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 15, T5N, R8W,  
MDB&M, and within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 16, T5N, R8W,  
MDB&M, and irrigation of:

25 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 16, T5N, R8W, MDB&M.  
25 acres within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 15, T5N, R8W, MDB&M.  
50 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

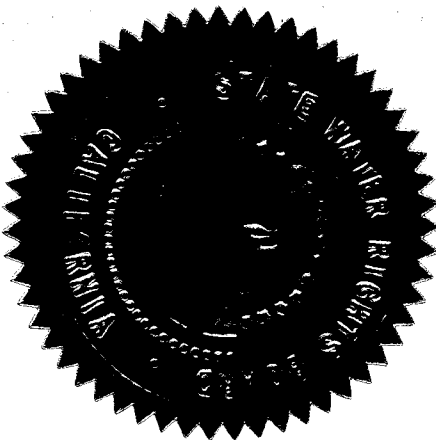
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAR 9 1966



*L. K. Hill*  
L. K. Hill  
Executive Officer

*11/2/68* *Out of Martin Witt Child*  
... TO ... *Out of Martin Witt*

*12/5/68* RECEIVED: NOTICE OF ASSIGNMENT TO *Witt Home Ranch*

LICENSE 7581  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Martin Witt

MAR 9 1966

DATED

47689 8-61 3M ① SPO

NOV 19 '65 D.S.H.

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